

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

## JOHN TONY WHITESELL,

## Plaintiff

V.

NYE COUNTY SHERIFF'S OFFICE and  
ERIC ANDERSON,

## Defendants

Case No.: 2:21-cv-01209-APG-VCF

## **Order Accepting Report and Recommendation**

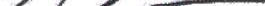
[ECF No. 17]

On May 5, 2022, Magistrate Judge Ferenbach recommended that I dismiss this case with prejudice because plaintiff John Whitesell did not file an amended complaint by the given deadline. ECF No. 17. Whitesell did not object. Thus, I am not obligated to conduct a de novo review of the report and recommendation. 28 U.S.C. § 636(b)(1) (requiring district courts to “make a de novo determination of those portions of the report or specified proposed findings to which objection is made”); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) (“the district judge must review the magistrate judge’s findings and recommendations de novo if objection is made, but not otherwise” (emphasis in original)).

I THEREFORE ORDER that Magistrate Judge Ferenbach's report and recommendation (**ECF No. 17**) is accepted and plaintiff John Whitesell's complaint (ECF No. 1-1) is dismissed with prejudice. The clerk of court is instructed to enter judgment accordingly and to close this case.

DATED this 25th day of May, 2022.

---



ANDREW P. GORDON  
UNITED STATES DISTRICT JUDGE